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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOSE JESUS GUTIERREZ VASQUEZ, )  
Petitioner, )  
v. )  
MICHAEL CHERTOFF, Secretary of )  
Homeland Security; JULIE L. MEYERS, )  
Assistant Secretary for Immigration and )  
Customs Enforcement; ALBERTO )  
GONZALES, Attorney General; UNITED )  
STATES IMMIGRATION AND )  
CUSTOMS ENFORCEMENT; UNITED )  
STATES DEPARTMENT OF )  
HOMELAND SECURITY, )  
Respondents. )

No. C-06-6664-PJH

**STIPULATION TO A FOURTH  
EXTENSION OF DEADLINE FOR FILING  
A RESPONSE TO THE COURT'S ORDER  
TO SHOW CAUSE**

The petitioner, by and through his attorneys of record, and respondents, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to a fourth extension of time within which the respondents may file a response to the Order to Show Cause (OSC) issued by this Court on April 24, 2007.

(1) The petitioner filed a petition for writ of habeas corpus with this Court on October 26, 2006, alleging that he received ineffective assistance of counsel in connection with the filing and prosecution of a petition for review in the United States Court of Appeals for the Ninth Circuit.

1 *See Gutierrez-Vasquez v. Gonzales*, Appeal No. 04-73084.

2 (2) This Court issued an OSC on April 24, 2007, directing the government to file a brief  
3 within 30 days addressing whether this Court has jurisdiction over the habeas petition in light of  
4 the REAL ID Act of 2005.

5 (3) The parties have been exploring a means of resolving this habeas petition, as well as the  
6 petition for review that is pending at the Ninth Circuit.

7 (4) On May 3, 2007, the government filed an unopposed motion with the Ninth Circuit to  
8 suspend the briefing schedule in that case until at least July 9, 2007.

9 (5) On May 9, 2007, this Court granted the parties' stipulation to extend the deadline for  
10 responding to this Court's OSC to August 10, 2007.

11 (6) On May 17, 2007, the Ninth Circuit vacated the briefing schedule and has asked counsel  
12 for the government to provide periodic reports on the status of the case.

13 (7) On August 15, 2007, this Court granted the parties' second stipulation to extend the  
14 deadline for responding to this court's OSC to November 9, 2007.

15 (8) On October 26, 2007, the petitioner and the Chief Counsel's Office for the United States  
16 Immigration and Customs Enforcement filed a motion to reopen with the Board of Immigration  
17 Appeals (BIA).

18 (9) On November 15, 2007, this Court granted the parties' third stipulation to extend the  
19 deadline for responding to this Court's OSC to February 8, 2008.

20 (10) The motion to reopen is currently pending with the BIA and it is anticipated that the  
21 parties will know within a few months whether this case may be resolved without further action by  
22 this Court.

23 (10) The parties recognize that this is their fourth stipulation to extend the deadline for  
24 respondents' response to the OSC and appreciate the Court's patience in this matter

25 Accordingly, the parties respectfully ask this Court to extend the deadline for the government  
26 to file its brief in response to the Court's OSC to May 9, 2008.

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2  
3 Date: February 8, 2008

Respectfully submitted,

4 JOSEPH P. RUSSONIELLO  
5 United States Attorney

6 /s/  
7 EDWARD A. OLSEN  
8 Assistant United States Attorney  
9 Attorneys for Respondents

10 Date: February 8, 2008

11 /s/  
12 JENNIFER C. CHANG  
13 AMERICAN CIVIL LIBERTIES UNION  
14 FOUNDATION IMMIGRANTS' RIGHTS PROJECT  
15 Attorneys for Petitioner

16 **ORDER**

17 Pursuant to stipulation, IT IS SO ORDERED.

18  
19 Date: February 12, 2008

20 PHYLLIS J. HAMILTON  
21 United States Attorney

